

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ANGELA KAY COLE,**

3:12-cv-00854-RE

Plaintiff,

**OPINION AND ORDER**

v.

**CAROLYN W. COLVIN,**  
Acting Commissioner of Social Security,

Defendant.

**REDDEN**, Judge:

Plaintiff's counsel seeks attorney fees of \$7,396.68 pursuant to 42 U.S.C. § 406(b) (# 31).

The government does not contest the motion,

**Discussion**

Attorney fees may be paid from past-due benefits awarded to a successful Social Security claimant. 42 U.S.C. § 406(b); *Gisbrecht v. Barnhart*, 535 U.S. 789, 795 (2002). Past-due

benefits are the total amount of benefits payable under Title II of the Social Security Act to all beneficiaries that have accumulated because of a favorable administrative or judicial determination or decision, up to but not including the month the determination or decision is made. 20 C.F.R. § 404.1703 (2012). An attorney may receive up to 25 percent of past-due benefits. The District Court determines the reasonableness of an attorney fee request under § 406(b) as “an independent check” to assure that contingency fee agreements between Social Security claimants and their attorneys will “yield reasonable results in particular cases.” *Gisbrecht*, 535 U.S. at 807. The Commissioner has no direct financial stake in the 406(b) question; instead, she “plays a part in the fee determination resembling that of a trustee for the claimants.” *Gisbrecht*, 535 U.S. at 798 n.6.

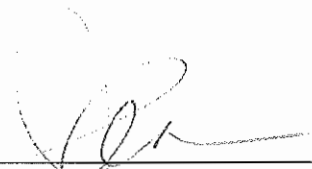
Plaintiff’s attorney seeks fees of \$7,396.68. The Commissioner does not oppose the motion.

### Conclusion

Plaintiff’s motion for attorneys’ fees ( # 31) is granted in the amount of \$7,396.68.

IT IS SO ORDERED.

Dated this 15<sup>th</sup> day of April, 2014.

  
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James A. Redden  
United States District Judge